

To the Honorable Council City of Norfolk, Virginia

January 11, 2022

From: George M. Homewood

Director of Planning

**Subject:** Conditional Use Permit - Metronet

Reviewed: Ward/Superward: 3/7

Patrick Roberts, Deputy City

Manager

Approved: \( \square \) / | / | \( \square \) Item Number: C-3

Dr. Larry H. Filer II, City Manager

# I. <u>Planning Commission Recommendation:</u>

By a vote of **7 to 0**, the Planning Commission recommends **Approval**.

- II. Request: Allow MetroNet to construct a Commercial Communication Tower
- III. Applicant: Metro FiberNet, LLC

# IV. <u>Description:</u>

- The site, previously developed with a single-family home, is currently vacant.
- The City has recently contracted MetroNet as a new service provider.
  - This will be their only tower in the City.
- MetroNet proposes to construct a 79-foot-tall tower with two, 322 square foot supporting structures.
- A Conditional Use Permit is required for a Commercial Communication Tower.

#### V. <u>Historic Resources Impacts:</u>

N/A

# VI. <u>Public Schools Impacts:</u>

N/A

Staff contact: Susan Pollock at (757) 664-4765, <a href="mailto:susan.pollock@norfolk.gov">susan.pollock@norfolk.gov</a>

#### Attachments:

- Proponents and Opponents
- Staff Report to CPC dated December 16, 2021, with attachments
- Ordinance

# **Proponents and Opponents**

### **Proponents**

Lee Wright 8837 Bond Street Overland Park, KS 66214

# **Appeared for questions**

Pearl Collier 6233 Chesapeake Boulevard Norfolk, VA 23513

John Cary 6229 Sewells Point Road Norfolk, VA 23513

#### **Supporting Material:**

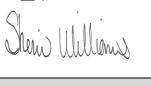
- Ordinance Exhibit A (PDF)
- Conditional Use Permit Review Standards (PDF)
- Overview Map(PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- Application (PDF)
- Property Owners \_300ft (PDF)
- Email to Sewells Garden Civic League (PDF)
- Revised site plan 127\_21 (PDF)



# **City Planning Commission Public Hearing: December 16, 2021**

Executive Secretary: George M. Homewood, FAICP, CFM

Staff Planner: Susan Pollock



Staff Report	Item No. 3					
Address	6242 Sewells Point	6242 Sewells Point Road				
Applicant	Metro FiberNet, LLC	Metro FiberNet, LLC				
Request	Conditional Use Permit	Communication Tower, Commercial				
Neighborhood	Sewells Garden	Sewells Garden				
Surrounding Area	North	C-R (Commercial – Regional): Checkered Taxi facility				
	East	C-C (Corridor Commercial): Single Family home				
	South	C-C: Small retail shopping center				
	West	SF-10 (Single-Family): Single family homes				
Recommendation	Approval subject to conditions below					



#### A. Summary of Request

- The site is located on the east side of Sewells Point Road just north of Five Points.
- The applicant proposes to construct a communication tower with supporting buildings and parking.
- Staff recommends approval subject to the conditions contained below.

# **B.** Plan Consistency

The proposed use is consistent with *plaNorfolk2030*, which designates this site as Commercial.

# C. Zoning Analysis

#### i. General

- The site, previously developed with a single-family home, is currently vacant.
- The City has recently contracted MetroNet as a new service provider.
  - o This will be their only tower in the City.
- MetroNet proposes to construct a 79-foot-tall tower with two, 322 square foot supporting structures.
- A Conditional Use Permit is required for a Commercial Communication Tower.

#### ii. Parking

A parking space will be provided to allow maintenance.

#### iii. Flood Zone

The property is located in the X (Low-to-Moderate) Flood Zone, which is a low-risk flood zone.

#### D. Performance Standards

Communication tower, commercial

Any structure erected on a zoning lot or attached to another structure that supports broadcast or receiving equipment of any frequency or electromagnetic wave, or any system of wires, poles, rods, reflecting discs, satellite dishes, or similar devices used for the transmission or reception of electromagnetic waves, for governmental or private/nonprofit use. Such uses may include, but are not limited to, ham and amateur radio. Antenna structures composed of a satellite dish measuring one meter (39.37 inches) or less in diameter are excluded from this definition.

#### (i) Review standards

In determining whether an application for a Conditional Use Permit shall be approved, the Planning Commission and City Council shall consider the following factors:

- (a) Whether the development application represents a request for multiple use of a tower or site or use on a site contiguous to an existing site;
- (b) Whether the development application verifies that other potential users have been contacted regarding potential joint site usage;
- (c) Whether the development application shows how the tower or site will be designed or laid out to accommodate future joint users;
- (d) Whether the proposed location would be unobstructive and not substantially detract from aesthetics or neighborhood character.

#### (ii) Setbacks

- (a) The minimum setback from the base of the tower to an adjacent residential development shall be 50 feet.
- (b) The minimum setback from the base of the structure to a public right-of-way shall be 25 feet.

#### (iii) Painting, illumination, and signage

- (a) The facility shall only be painted and illuminated in order to comply with federal regulations.
- (b) Commercial advertisements or signage are prohibited.
- (iv) Between the base of the tower and the right-of-way, a Type A perimeter buffer shall be installed and maintained.
- (v) If standards in this section conflict with federal standards, the federal standards shall control.

#### E. Mobility Analysis

N/A

#### **G.** Historic Resources Impacts

The site is not located within a federal, state, or local historic district.

# H. Public Schools Impacts

N/A

#### I. AICUZ Impacts

N/A

#### J. Payment of Taxes

The property is owned by the City.

#### K. Civic League

The applicant attended the Greater Norview Task Force on November 18.

## L. Communication Outreach/Notification

- · Legal notice was posted on the property on December 2.
- Letters were mailed to all property owners within 300 feet of the property on December 2.
- · Legal notification was placed in *The Virginian-Pilot* on December 2 and 9.

#### M. Recommendation

Staff recommends that the Conditional Use Permit request be **approved**, subject to the following conditions:

- 1. The site shall be developed as depicted on the Landscape Plan prepared by MetroNet dated 11/18/2021, marked as Exhibit A.
- 2. On-site lighting shall be directed and shielded so as not to cast glare into any adjacent residential properties or public rights-of-way.
- 3. If the tower is not utilized for a period of 6 consecutive months, it shall be removed.

#### **Supporting Material:**

- Ordinance Exhibit A (PDF)
- Conditional Use Permit Review Standards (PDF)
- Overview Map(PDF)
- Location Map (PDF)
- Zoning Map (PDF)
- Application (PDF)
- Property Owners 300ft (PDF)
- Email to Sewells Garden Civic League (PDF)
- Revised site plan 127 21 (PDF)

Form and Correctness Approved: 840

Contents Approved:

Office of the City Attorney

DEPT. Planning

NORFOLK, VIRGINIA

# Ordinance No.

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT TO AUTHORIZE THE CONSTRUCTION OF Α COMMERCIAL COMMUNICATION TOWER ON PROPERTY LOCATED ΑТ 62.42 SEWELLS POINT ROAD.

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a conditional use permit is hereby granted authorizing the construction of a Commercial Communication Tower.

Section 2:- That the full extent of the property or properties where the permit or permits described above are hereby made effective, upon the date set forth below, described as follows:

Property fronts 79 feet, more or less, along the eastern line of Sewells Point Road beginning 271 feet, more or less, from the southern line of Strand Street and extending southwardly; premises numbered 6242 Sewells Point Road.

Section 3:- That the conditional use permit or permits granted herein shall be subject to all of the general conditions set forth in section 2.4.8.D of the Norfolk Zoning Ordinance and all of the following additional conditions, requirements, and limitations:

The site shall be developed substantially in (a) accordance with the plan prepared by MetroNet dated October 22, 2021 and revised November 18, 2021, attached hereto and marked as "Exhibit A," subject to any changes that may be approved by the City through the Site Plan Review Process and, further, provided that the fence may be constructed of metal having a design and appearance substantially the same as the existing fence located on property to the north known as 6249 Chesapeake Boulevard.

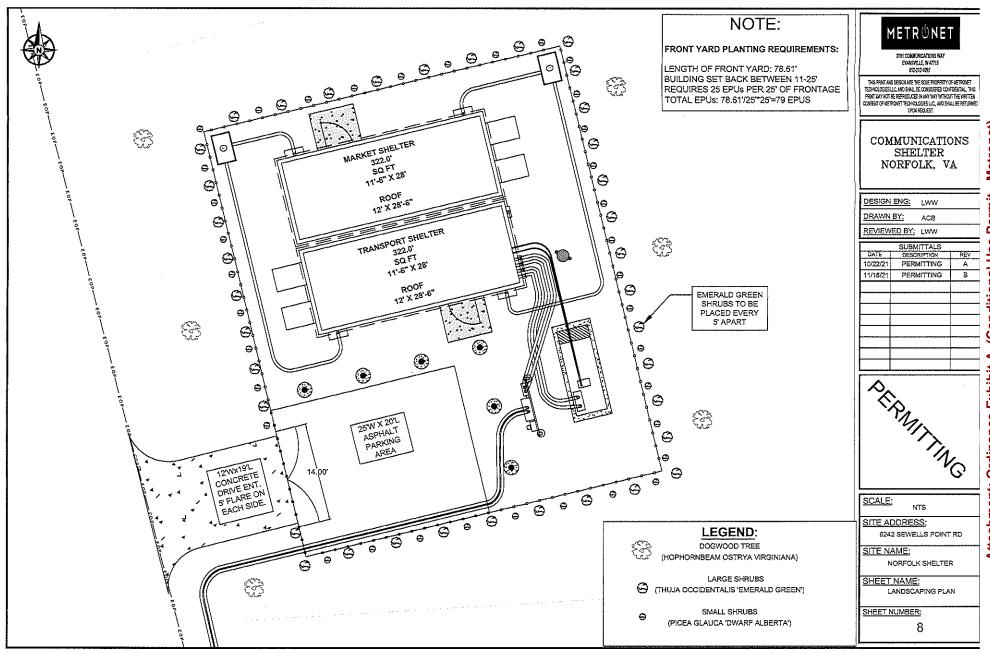
- (b) On-site lighting shall be directed and shielded so as not to glare into any adjacent residential properties or public rights-of-way.
- (c) If the tower is not utilized for a period of 6 consecutive months, it shall be removed.

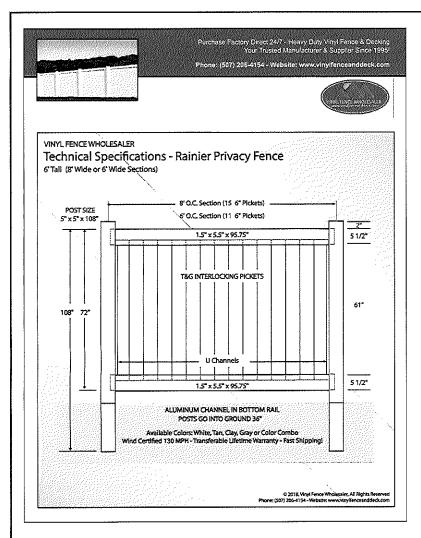
Section 4:- That the City Council hereby determines that the conditional use permit or permits granted herein comply with each of the standards set forth in section 2.4.8.C of the <a href="Norfolk Zoning Ordinance">Norfolk Zoning Ordinance</a>.

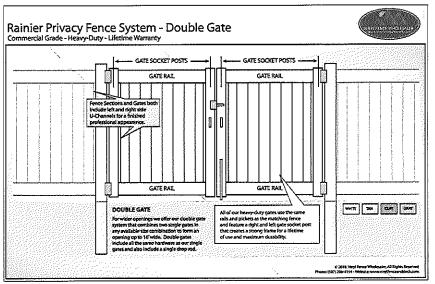
Section 5:- That this ordinance shall be in effect from the date of its adoption.

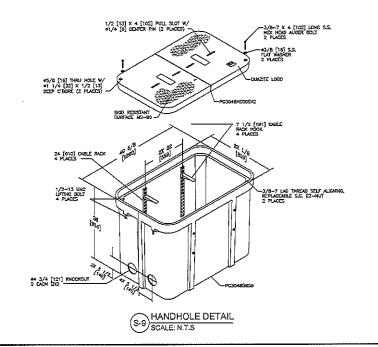
ATTACHMENT:

Exhibit A (3 pages)









# METRUNET

3701 COMMUNICATIONS WAY EVANSVILLE, IN 47715 812-213-1855

THIS PRINT AND DESIGN ARE THE SIX E PROPERTY OF METRONET TECHNOLOGISE LLC, AND SHALL BE CONSIDERED CONFIDENTIAL. THIS PRINT LAY KOTBE REPROJUCED IN ANY WAY WITHOUT THE WRITTEN CONSENT OF METRONET PEDVOLOGIES LLC, AND SHALL BE RETURNED UPON REQUEST.

#### COMMUNICATIONS SHELTER NORFOLK, VA

DESIGN ENG: LWW
DRAWN BY: ACB

REVIEWED BY: LWW

	SUBMITTALS	
DATE	DESCRIPTION	RE
10/22/21	PERMITTING	ρ
11/18/21	PERMITTING	Ε
-		



SCALE: NTS

SITE ADDRESS: 6242 SEWELLS POINT RD

SITE NAME:

NORFOLK SHELTER

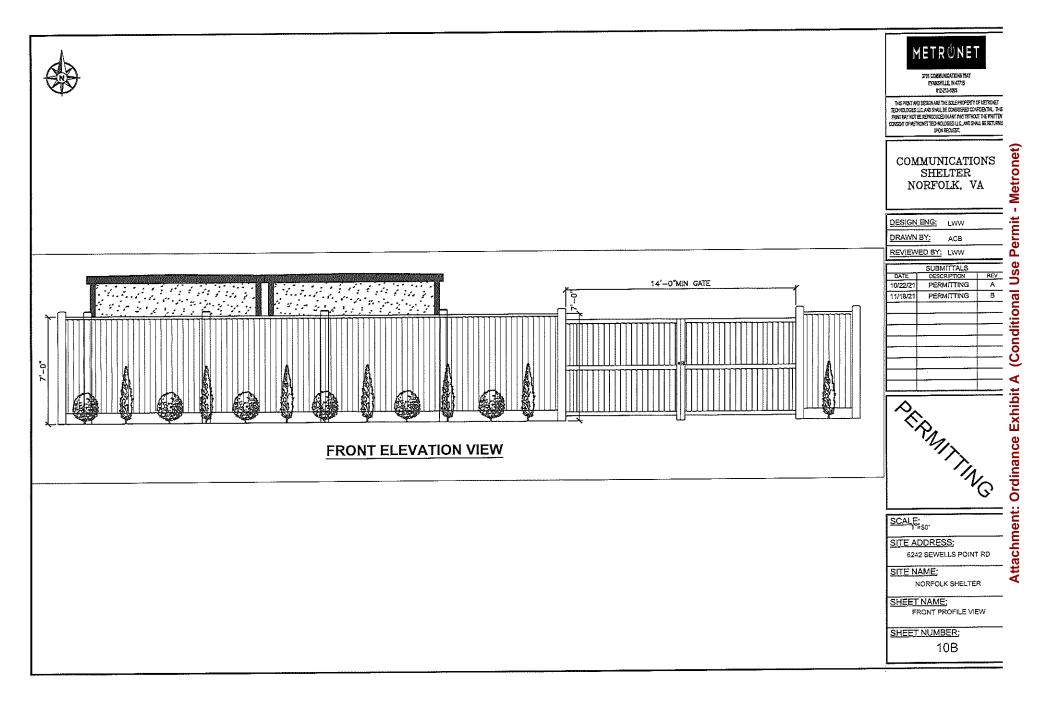
SHEET NAME:

SITE CIVIL DETAILS

SHEET NUMBER:

10

# **EXHIBIT A**

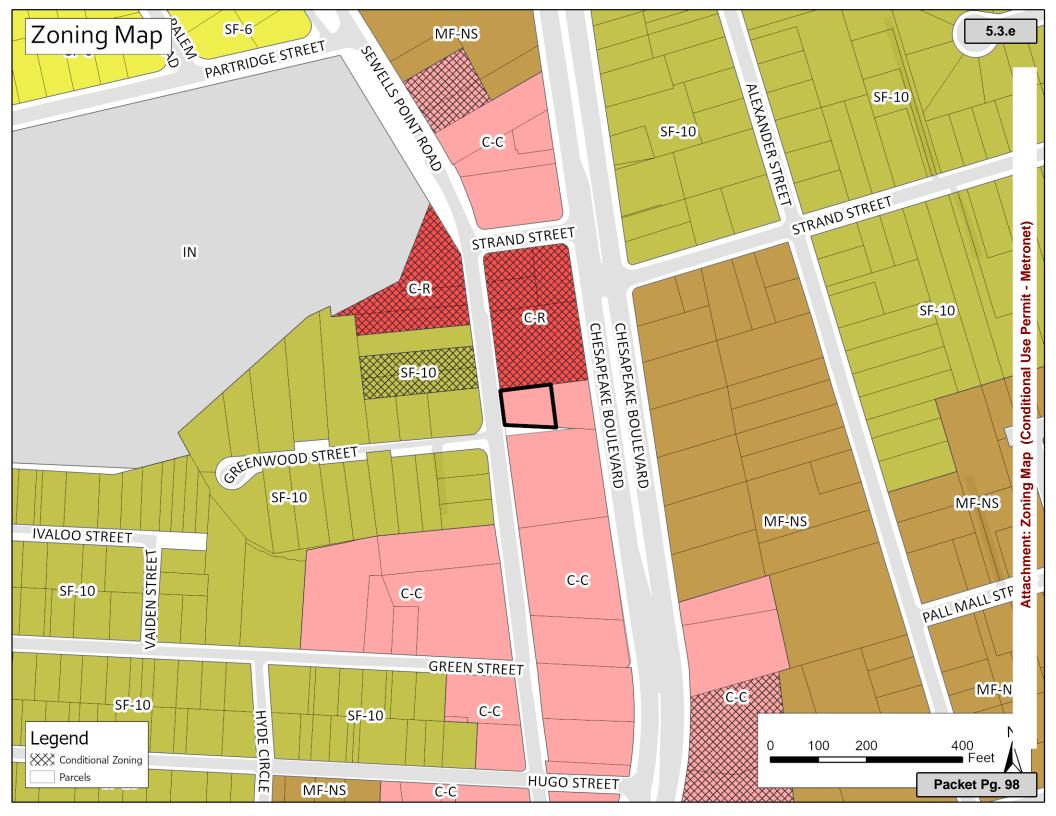


#### 2.4.8.C. CONDITIONAL USE PERMIT REVIEW STANDARDS

A Conditional Use Permit may be approved if the applicant demonstrates that the proposed conditional use:

- 1) Is consistent with the purposes, goals and policies of the comprehensive plan and other applicable city-adopted plans;
- 2) Complies with all applicable zoning district-specific standards in <a href="Article 3">Article 3</a>. Zoning Districts;
- Complies with all applicable use-specific standards in Article 4. Performance Standards;
- **4)** Complies with all applicable development and design standards in <u>Article 5. Development Standards</u>;
- 5) Complies with all relevant subdivision and infrastructure standards in Chapter 42.5 of City Code;
- 6) Is appropriate for its location and is compatible with the general character of surrounding lands and the types, scale, and intensity of uses allowed in the zoning district where proposed;
- 7) Adequately screens, buffers, or otherwise minimizes adverse visual impacts on adjacent lands;
- 8) Avoids significant adverse odor, noise, glare, and vibration impacts on surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, night-time activity, and other site elements:
- **9)** Avoids significant deterioration of water and air resources, scenic resources, and other natural resources;
- **10)** Maintains safe and convenient ingress and egress and traffic flow onto and through the site by vehicles and pedestrians, and safe road conditions around the site;
- 11) Is served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- 12) Maintains adequate parking, loading and other necessary facilities to serve the proposed use;
- **13)** Will not substantially diminish or impair the value of the land within the neighborhood in which it is located.
- **14)** Will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various Conditional Use Permits of all types on the immediate neighborhood and the effect of the proposed type of Conditional Use Permit on the city as a whole;
- 15) Complies with all other relevant city, state and federal laws and standards; and
- **16)** Is required by the public necessity, convenience, general welfare, or good zoning practice.







# APPLICATION CONDITIONAL USE PERMIT (Please print)

Date				
DESCRIPTION OF PROPERTY				
Address: 6242 Sewells Point Road, Norfolk, VA 23513				
Existing Use of Property: Vacant Land				<del></del>
Proposed Use: Communication Facility				
Current Building Square Footage: 0	Propose	ed Building Sq	uare Footage: <u></u>	98
Trade Name of Business (if applicable): $\underline{}$	vletro FiberNet, LLC			
APPLICANT*				
1. Name of applicant: (Last) Greenbank		_(First)_ <sup>John</sup>		(MI)
Mailing address of applicant (Street/P.O.	. Box): 8837 Bond	Street		
(City): Overland Park	(State): <u></u> KS		_ (Zip Code): _ <sup>66</sup>	214
Daytime telephone number of applicant:	810 333-2303	<del></del>		
E-mail address: Lee.Wright@metronetinc.com				
AUTHORIZED AGENT* (if applicable)				
2. Name of applicant: (Last) Wright		_(First)_Lee		(MI)
Mailing address of applicant (Street/P.O.	. Box): 8837 Bond	Street		
(City): Overland Park	(State): <u></u> KS		_ (Zip Code): <u>_</u> 662	214
Daytime telephone number of applicant:	: 810 333-2303	Fax	810	
E-mail address: Lee.Wright@metronetinc.com				

#### **DEPARTMENT OF CITY PLANNING**

Application
Conditional Use Permit
Page 2

PROPERTY OWNER*				
<b>3.</b> Name of property owner: (Last) City of	Norfolk	(First)		(MI)
Mailing address of property owner (Stre	eet/P.O. box	): 810 Union St		
(City): Norfolk (State)				
Daytime telephone number of owner:	810 757-664-65	10		
E-mail address:				
*(If applicant/agent/property owner is and/or all partners)	s a LLC or a C	Corp./Inc., inc	clude nar	ne of official representative
CIVIC LEAGUE - BUSINESS ASSOCIATIO	N - HOA INF	ORMATION		
Civic League contact:				
Date meeting attended/held:				
Local Business Association (if applicable Date meeting attended/held:				
Home/Property/Condominium Owners Date meeting attended/held:				
Ward/Super Ward information:				
CERTIFICATION I hereby submit this complete applica accurate to the best of my knowledge:				
Print name:(Property Owner)	Sign:		(Date)	10/26/2021
Print name: John Greenbank (Applicant)	Sign	100 - 20 - 20 - 20 - 20 - 20 - 20 - 20 -	(Date)	10/26/2021
(If Applicable)				
Print name: Lee Wright (Authorized Agent Signature)	Sign:	hi is right)	(Date)	10/26/2021



#### **DEPARTMENT OF CITY PLANNING**



# Description of Operations Conditional Use Permit

Date:	
Trade name of business: Metro FiberNet, LLC	
Address of business: 8837 Bond Street, Overland Park, KS 66214	
Name(s) of business owner(s)*: John Greenbank	
Name(s) of property owner(s)*: City of Norfolk	
Daytime telephone number (810) 333-2303  *If business or property owner is partnership, all partners must be listed.  *If business or property owner is an LLC or Corporation, all principals must be listed.	
Proposed Hours of Operation:	
Weekday From: 8amTo: 4pm	

John Gr. Britank (Oct 28, 2021 06:07 CDT)

**Signature of Applicant** 



From: 8am

From: N/A

Saturday From: N/A

To: 4pm

To: N/A

To: N/A

Friday

Sunday

#### **DEPARTMENT OF CITY PLANNING**



# **Checklist – Conditional Use Permit**

Item	Yes	No	Not Applicable (Staff to fill-out)	Comments
Required application fee, \$1,080.00				
Pre-application meeting with Zoning Staff (At least 3 business days prior to deadline)				
Has this proposal been coordinated with the appropriate Civic League(s) or a public meeting held?				
Has this application been coordinated with the Department of Transit? (757) 664-7300				
Has this application been coordinated with Recreation, Parks and Open Space (757)-441-2400?				
One 8½ x 14 inch or 11 x 17-inch scaled copy of a physical survey				
One 8½ x 14 inch or 11 x 17-inch scaled copy of a conceptual site plan				
Signature of all property owners?				
Is property in an AICUZ? Clear zone/Accident Potential Zone (APZ)/Noise zone				
Is property within ½ mile of another locality, or 3,000 feet of a military installation?				
Proof of all City taxes paid?				
Copy of Business License				
Applicant Signature:				Date:
Staff Signature:				Date:

#### **DEPARTMENT OF CITY PLANNING**

Christie, Anthony 5521 Carolanne Ter Unit 103 Virginia Beach VA 23462-3330 Tran, Phat N 1125 Greenwood St Norfolk VA 23513-3222 Alleyne, Affisha 6233 Sewells Point Rd Norfolk VA 23513-3224

Cary, John N & Carolyn C 6229 Sewells Point Rd Norfolk VA 23513-3224 Hall, Angela 6225 Sewells Point Rd Norfolk VA 23513-3224 Virginia Transportation Consortium 6304 Sewells Point Rd Norfolk VA 23513-3226

Combo, Phillis Et Als 1124 Greenwood St Norfolk VA 23513-3223 Virginia Transportation Consortium 6304 Sewells Point Rd Norfolk VA 23513-3226 Bay Apartments, Llc 13412 Silverdust Ln Chester VA 23836-2781

Bay Apartments, Llc 13412 Silverdust Ln Chester VA 23836-2781 Bay Apartments, Llc 13412 Silverdust Ln Chester VA 23836-2781 Sitka, Paula D 6241 Sewells Point Rd Norfolk VA 23513-3252

Hassell-El, Maxwell 1132 Greenwood St Norfolk VA 23513-3223 Virginia Transportation Consortium 6304 Sewells Point Rd Norfolk VA 23513-3227 Virginia Transportation Consortium 6304 Sewells Point Rd Norfolk VA 23513-3227

City Of Norfolk 810 Union St Rm 900 Norfolk VA 23510-2717 Collier, Pearl A 6233 Chesapeake Blvd Norfolk VA 23513-2005 Nance, Anthony A 6251 Sewells Point Rd Norfolk VA 23513-3252

6249 Sewells Point Road, Llc 912 Thatcher Way Chesapeake VA 23320-8508 Tidewater Realty And Security Corp 6257 Sewells Point Rd # 6259 Norfolk VA 23513-3252 Kil, Hae Jeoun 707 Stone Cove Newport News VA 23602

Kil, Hae Jeoun 707 Stone Cove Newport News VA 23602 6221 Sewells Point Group, Llc 330 W Brambleton Ave Ste 107 Norfolk VA 23510-1325 Bell, James A Jr & Vittorio 6255 Sewells Point Rd Norfolk VA 23513-3252

Beltran, Diego Macias 6246 Chesapeake Blvd Norfolk VA 23513-2006 Elko Associates Lc 525 S Independence Blvd Ste 200 Virginia Beach VA 23452-1103 Tidewater Realty & Security Corp 6304 Sewells Point Rd Norfolk VA 23513-3227

Tidewater Realty & Security Corp 6304 Sewells Point Rd Norfolk VA 23513-3227

# Williams, Sherri

From: Williams, Sherri

Sent: Monday, November 1, 2021 11:21 AM

To: wilsonjames6413@gmail.com; Johnson, Mamie B; Royster, Danica; Koolman, Delk S

Cc: 'Pollock, Susan (susan.pollock@norfolk.gov)'

Subject: New Planning Commission Items-6242 Sewells Point Road Attachments: application -conditional use permit - norfolk - signed.pdf

Attached please find the following information tentatively scheduled to be heard at the December 18, 2021 Planning Commission public hearing:

METRONET, for a Conditional Use Permit to construct a communication tower, commercial at 6242 Sewells Point Road.

The purpose of this request is to allow a communication tower.

Staff contact: Susan Pollock at (757) 664-4765, susan.pollock@norfolk.gov

#### Thank You

Sherri Williams City Planner I – City Clerk Planning Department 810 Union Street | Suite 508 Norfolk, VA 23510 (757) 664-6771 office | (757) 618-5720 cell

#### Connect with us:

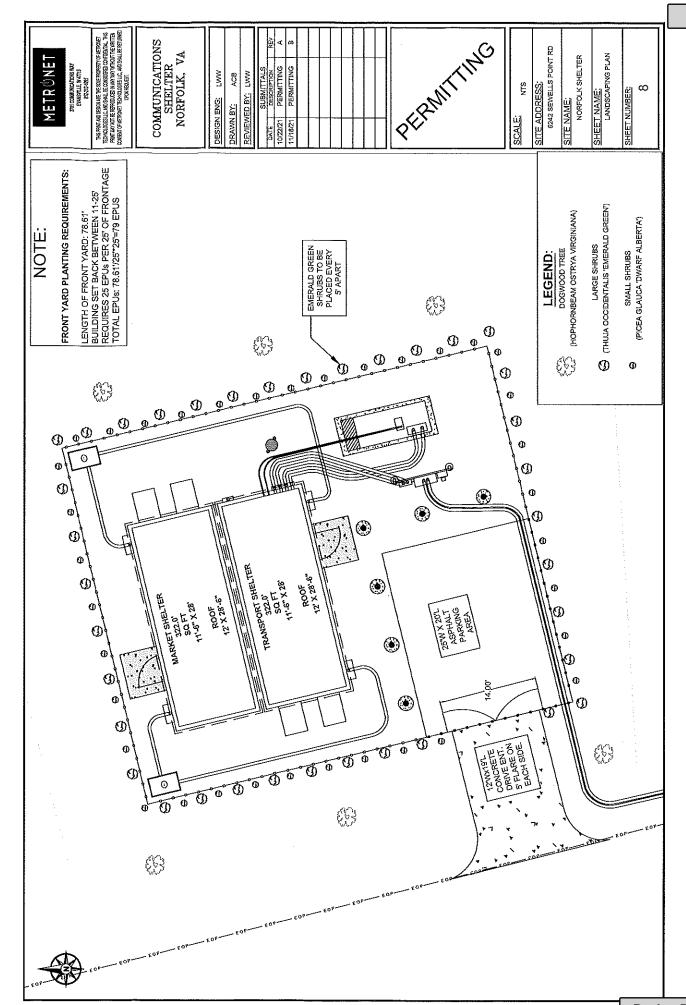












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9

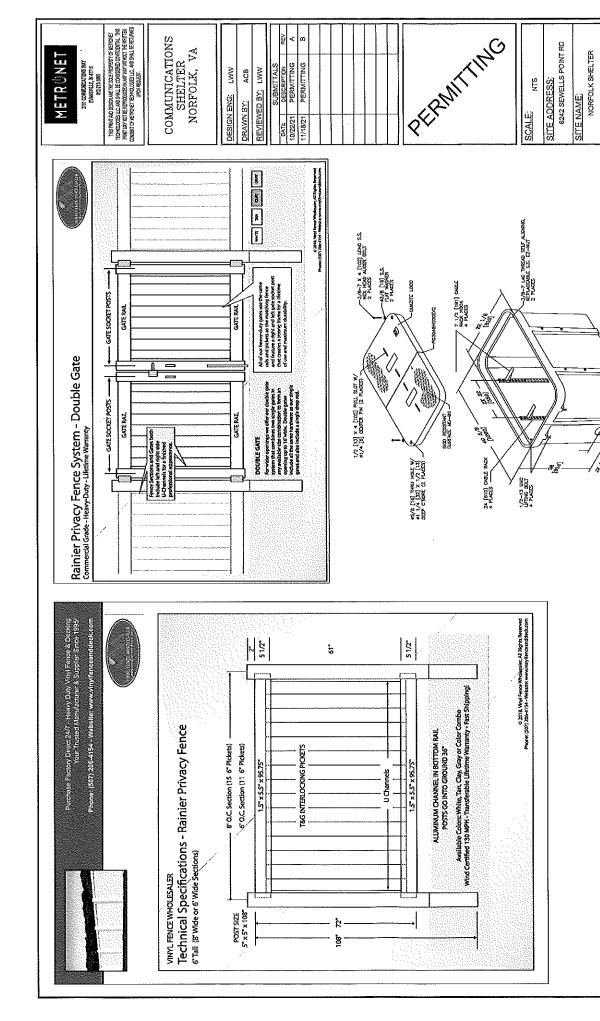
S-9 SCALE: N.T.S

2 CACH [121] KNICHOUT

SHEET NUMBER:



Packet Pg. 106



SITE ADDRESS: 6242 SEWELLS POINT RD

SITE NAME: NORFOLK SHELTER

SHEET NAME: FRONT PROFILE VIEW

10B

SHEET NUMBER:



Packet Pg. 107

METRÜNEN TITT COMMUNITATION WAT ENANTIAL DESIGNA BET ENEL DESIGNED FOR ETRIORET PENANTORIEL LAND SAML ET CONDENSION OF RETRIORET PENANTORIEL LAND SAML ET CONDENSION PENETRE PENANTORIEL LAND SAML EN ENDERGREEN PENANTORIE PENETRE CONSONT OF METRICITE PENANTORIEL LAND SAML ET SETTINGED	COMMUNICATIONS SHELTER NORFOLK, VA	DRAWN BY: ACB   REVIEWED BY: LWW   SUBMITTALS   SUBMITTALS   OATE   OSCIPLING   A   11/18/21   PERMITTING   B   11/18/21   PERMITTING   PE	ZMITIN'
		14"-O'MIN GATE	FRONT ELEVATION VIEW

